



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 4, 1998

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Earl J. Silbert, Esquire
Scwalb, Donnenfeld & Silbert
1025 Thomas Jefferson Street, N.W.
Suite 300 East
Washington, D.C. 20007

Re: MURs 4544 and 4407

Dear Mr. Silbert:

This letter refers to the *Subpoena to Produce Documents and Order to Submit Written Answers* ("Subpoena and Order"), which the Federal Election Commission ("the Commission") sent to your client, Mr. Erskine Bowles.

On May 20, 1998, the Commission modified interrogatory number 5, limiting the scope of that interrogatory to apply only to advertisements produced in whole or in part by Squier Knapp Ochs Communications, Inc., and/or the November 5 Group, Inc, and advertisements paid for in whole or in part by the Democratic National Committee, the Clinton/Gore '96 Primary Committee and/or the Clinton/Gore '96 General Committee. In addition, the Commission modified its discovery requests in these matters to seek information related to communications only to the extent that such communications clearly identify a person who was a candidate for nomination for election, or election, to the office of President or Vice President of the United States in the 1995-1996 election cycle. For purposes of this modification, the term "clearly identify" means that:

- A candidate's name appears and/or can be heard;
- A candidate's nickname appears and/or can be heard;
- A candidate's photograph, drawing and/or likeness appears;
- The identity of a candidate is apparent through an unambiguous reference such as "the President," or "the incumbent;" or
- The identity of a candidate is apparent through an unambiguous reference to his or her status as a candidate, such as "the Democratic presidential nominee."

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Joel J. Roessner
Attorney